

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 IO-14 ISO-00 AGR-20 CEA-02 CIAE-00

COME-00 DODE-00 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06

NSAE-00 NSC-10 PA-04 RSC-01 AID-20 CIEP-02 SS-20

STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SPC-03 FEA-02

OMB-01 SAM-01 AF-10 ARA-16 EA-11 NEA-11 OIC-04 SSO-00

INRE-00 NSCE-00 /247 W

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O R 311050Z JAN 74

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 3713

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION EC BRUSSELS UNN

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PASS: STR

E.O. 11652: N/A

TAGS: ETRD, GATT, US, EC

SUBJECT: US-EC 24:6 NEGOTIATIONS: STATUS OF SCHEDULES AND
POSSIBLE WITHDRAWALS

REF: A. GENEVA 613

B. BRUSSELS 4804 (MARCH 73)

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1. AT JAN 28 TECHNICAL MEETING, EC PROPOSED FORMULA ON HISTORICAL INR'S THAT RAISED QUESTION AS TO WHETHER EC CONSIDERED OLD SCHEDULES OF SIX, UK, DENMARK, IRELAND STILL IN EFFECT. LUYTEN RESPONDED IN JAN 29 PLENARY THAT THEY WERE. HE FUZZED OVER QUESTION OF LEGAL STATUS OF UK, DANISH, IRISH MOVES TOWARD C.X.T. IN 1973 AND ON JAN 1, 1974 BUT ARGUED THAT ACTIONS HAD PRECEDENTS, ALL KNEW IN ADVANCE THEY WOULD OCCUR, AND THEY DID NOT HARM TRADING PARTNERS.

2. SUBSEQUENTLY, IN JAN 29 DEBATE, LUYTEN STATED THAT EC RECOGNIZED U.S. COULD MAKE WITHDRAWALS IF 24:6 NEGOTIATIONS FAILED BUT STATED EC WOULD HAVE RIGHT DO LIKEWISE. OUTSIDE OF MEETING HE SAID THAT EC WITHDRAWALS HE HAD IN MIND WERE WITHDRAWALS OF CONCESSIONS OFFERED BY EC AND WOULD NOT HAVE TO BE AUTHORIZED BY CP'S. (EC CONSIDERS ITS PRESENT OFFER TO BE REINSTATEMENT OF SCHEDULE OF SIX FOR THE NINE, PLUS CHANGES IN CXT OFFERED IN DECEMBER). IN SUBSEQUENT PRIVATE MEETING, WE EXPRESSED SURPRISE AND DISPLEASURE THAT EC HAD RAISED POSSIBILITY OF COUNTER-WITHDRAWALS, AND SHOWED HIM PARA 4 OF REFTTEL "B" REPORTING SOAMES PERSONAL ASSURANCES RE COMMISSION INTENTIONS. LUYTEN WAS CAREFUL NOT TO EXPRESS AGREEMENT OF DISAGREEMENT WITH OUR UNDERSTANDING OF SOAMES ASSURANCE. INSTEAD, HE ARGUED HE WAS ONLY RESPONDING TO NUMEROUS RECENT U.S. REFERENCES TO POSSIBILITY OF OUR MAKING WITHDRAWALS.

3. IN JAN 30 MEETING, LUYTEN RESERVED EC POSITION ON SENTENCE IN JAN 29 U.S. STATEMENT READING, "ALSO, AS YOU KNOW, UNDER ARTICLE XXVIII WE HAVE ONLY SIX MONTHS IN WHICH OUR OPTIONS REMAIN CLEARLY OPEN." AT SAME MEETING, U.S. POINTED OUT THAT EARLIER NON-OBJECTIOS TO BREACHES OF GATT PROVISIONS DO NOT RENDER THOSE PROVISIONS INOPERATIVE. CONDITIONS HAVE CHANGED SINCE THE 1960'S, WHEN NON-OBJECTIOS TO PROCEDURES THEN FOLLOWED BY MEMBER STATES MAY WELL HAVE HAD REASONS NOT APPLICABLE IN CURRENT CASE. THE FACT THAT POSSIBLE BREACHES OF BINDINGS BY THE THREE ACCEDING COUNTRIES HAD NOT LED TO COMPLAINT SHOULD BE CONSIDERED IN LIGHT OF (A) THE UNDERSTANDING THAT EC AND NEGOTIATING PARTNERS WOULD TRY TO FINISH XXIV:6 BY JULY 1973 - BEFORE MAJOR MOVE TO CXT ON JAN 1 - AND (B) KNOWLEDGE THAT IN LATTER HALF OF 1973 EC WAS CONSIDERING IMPROVEMENTS TO BE MADE IN EC OFFER. U.S. WENT ON TO STATE THAT IT SHOULD NOW BE LIMITED OFFICIAL USE

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CLEAR TO ALL THAT U.S. DOES NOT CONSIDER OFFER SATISFACTORY AND THAT EXTREMELY SERIOUS SITUATION CAN DEVELOP UNLESS NEGOTIATIONS PURSUED PROMPTLY. WE SHOULD BRING NEGOTIATIONS TO A CONCLUSION BY JULY 1 OF THIS YEAR, AND UNCERTAIN STATUS OF SCHEDULES OF EC, UK, DENMARK AND IRELAND MAKES THIS ALL THE MORE IMPERATIVE. BASSIN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE, CUSTOMS DUTIES, AGRICULTURE, EXPORTS, TARIFF NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA00615
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974013/aaaaachh.tel
Line Count: 112
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A. GENEVA 613
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2002 by kelleyw0>; APPROVED <30 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US-EC 24:6 NEGOTIATIONS: STATUS OF SCHEDULES AND POSSIBLE WITHDRAWALS
TAGS: ETRD, US, GATT, EEC
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005